

The Ethics of War and peace

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Christianity and War

- The fundamentals of just war theory spring from the writings of Christian thinkers.
- We may consider this to be somewhat ironic considering what the early Christian's view of war was.

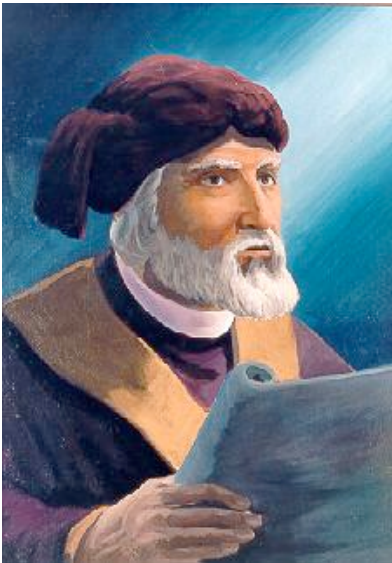
Christianity and War



- According to St. Matthew, Jesus was an extreme pacifist who taught his disciples that violence was never right, even in response to violence.
 - “Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. And if anyone would sue you and take your tunic, let him have your cloak as well. And if anyone forces you to go one mile, go with him two miles...”

Christianity and War

- This was also the belief of early Christians, before Christianity became an accepted state religion.
- Tertullian (200 AD)



» “Can it be lawful to handle the sword, when the Lord himself declared that he who uses the sword shall perish by it?”

Christianity and War

- But the church's doctrine changed as it became the religion of states and princes.
- The later scholars of established Christianity focused on considering the difference between just and unjust wars (Jus Ad Bellum).
- Saint Thomas Aquinas and Saint Augustine were among the most influential writers on the subject.



Jus Ad Bellum

- **Jus Ad Bellum** (Or Justice to War) describes the circumstances under which it is just to wage war.
- Simply put, it tells us when to fight.
- It tells us under what conditions going to war is a just act.

Jus Ad Bellum: Competent Authority

- Condition 1: Competent Authority
 - St Augustine famously reserved the right to go to war for a competent authority.
 - Authorities at the time understood that to reserve the right of war to “princes, whose authority and patronage were divinely sanctioned.”
 - So actions by private persons cannot be a war.

Jus Ad Bellum: Competent Authority

- Further, in war that competent authority must aim at some “identifiable political result.” (Karl von Clausewitz).



- So Hitler did not wage war on the Jews, and the early American sentiment “the only good Indian is a dead Indian” expresses the hopes of murderers, not soldiers”

Jus Ad Bellum

- Condition 2: Right Intention
 - While a war might fit all the other conditions, it may still be that a ruler engages in war for the wrong reasons, such as to solidify his domestic power base by giving himself the powers of a war-time executive.
 - While there are problems with the idea of right intention, such as the idea that good intentions often have the worst of results, or that intentions are subjective and unobservable, it is still an important consideration.

Jus Ad Bellum: Just Cause

- Condition 3: Just Cause
 - Historically many just causes have been accepted.
 - Aristotle: to enslave those who deserve enslavement.
 - Mill: spread the benefits of western civilization to less advanced peoples.
 - Or the conversion of 'heathens' to some true faith.
 - But over time these have been whittled down to a single cause.
 - Can anyone guess which one???

Jus Ad Bellum: Just Cause

- The only modern acceptable just cause to war is:
- **Self Defense!**
 - This development begins with Cicero in the first century BC.



Jus Ad Bellum: Just Cause

- Cicero: the only proper occasion for a use of force is a “wrong received.”
- As we can see this already rules out the other historical causes we examined.
- But the concept “wrong received” is still rather vague.

Jus Ad Bellum: Just Cause

- In the 1700's such a received "wrong" could be an insult, to nation or national symbols, verbal or otherwise.
- By the 1800's honor insults were demoted as just causes and the focus was more on a violation of a nation's rights in some sense.

Jus Ad Bellum: Just Cause

- By the 20th century the definition of a Just Cause as a “wrong received” which violated a nation’s rights was both too restrictive and too loose.
 - It was too restrictive because it failed to recognize the rights of “peoples” instead of just governments; rights such as those to self-determination and cultural integrity.
 - It was too loose because because it sanctioned military use in response to wrongs that may not have included military action.

Jus Ad Bellum: Just Cause

- Contemporary international law has attempted to rectify these issues.
 - For example the conference in Versailles in 1919 focused on rights of self-determination, and has been invoked numerous times since 1945 to counter colonialism.
 - Importantly to current times, the UN charter of 1945 included specified prohibitions on the use of force.

The UN Charter: Just Cause

- Article 2 (4): All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations.
- Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.

The UN Charter: Just Cause

- In order for article 51 to explicitly reserve the use of force for self defense it would have to be amended as follows:
 - Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if **and only if** an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.
- Nevertheless, Article 51 along with article 2(4) seems to imply that legitimate self defense must be self-defense against an actual attack.

Two Controversial Just Causes

- Anticipation of an attack:
 - “[I]f the use of force by nation A is justified on the grounds that its rights have been violated by nation B, then nation B must already have done something that has violated A’s rights. To argue that force is necessary in order to prevent a future rights violation by nation B is not to make an argument based on rights at all: it is a call to use force in order to make a better world[.]”
 - This is a very different kind of argument than a just war as a response to a “wrong received.”

Two Controversial Just Causes

- Anticipation of an attack:
 - But it does seem like there is an analogy to the self-defense of individuals that is relevant here. And we allow “anticipatory” actions in those cases “when the use of force is necessary for survival.” It seems such a case could conceivably be made for a case of a nation acting in self-defense.
 - In this case there must, at least, be a clear and present danger to the party that makes anticipatory war. (more on this later)

Two Controversial Just Causes

- Intervention on behalf of another
 - It might seem that the only way a nation may go to war under the UN charter is to herself be attacked. But this is not quite true.
 - What wording in the following article opens the door for coming to the aid of others as a just cause for war?

Two Controversial Just Causes

- Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.
- It is the idea of **Collective** self defense.

Two Controversial Just Causes

- If country A is justified in acting militarily to aid country B under the banner of collective self-defense, then what conditions must such a justification meet?
 - Most scholars agree that “legitimate use of force by A on behalf of B against aggressor C requires some prior mutual defense agreement between A and B.”

Two Controversial Just Causes

- But again, international law may be too strict for our moral senses.
- How might one argue that such a requirement for a prior mutual defense agreement is too much?
- Argue via analogy to the individual defense of others, which requires no prior agreement, simply a recognition of the need of another.
- Are there modern instances of the use of force in the defense of others one might justify on such a basis?
 - Clinton administration's actions in Bosnia/Herzegovina
 - Clinton administration's deployment of SEALs to Mogadishu, Somalia.

Jus Ad Bellum: The Rule of Proportionality

- “The rule of proportionality states that a war cannot be just unless the evil that can reasonably be expected to ensue from the war is less than the evil that can reasonably be expected to ensue if the war is not fought...”

Jus Ad Bellum: Rules of Necessity

- Rule of “last resort”: If a just cause can, or even *might* be achieved via other means that have not been attempted then the war for that just cause is not a just war.
- If the cause is just, but *cannot* be achieved by war, then the war for that cause is not just.

Jus Ad Bellum: A Just Peace

- This final condition is a little different. Instead of setting a condition on when it is OK to go to war, it sets a condition on the kind of peace a just war should result in.
- It should result in a kind of peace that is just and sustainable as a result of its justness.
- What does this say about war reparations?
 - Those that improve security and teach a learnable lesson might be acceptable.
 - But it is important not to burden the loser such that either innocent parties are punished or the resulting conditions make another war likely.

Jus In Bello (Justice in War)

- **Just in Bello** describes not when it is just to wage a war, but how to wage a war justly.
- Essentially it tells us how to fight a war.

Jus In Bello (Justice in War)

- There have always been rules in war:
 - The Hebrew Bible says that it may be necessary to kill one's enemy, but it is never permissible to cut down his fruit trees.
 - Hindu Laws of Manu state that the king should “not strike with weapons concealed in wood, nor with barbed, poisoned or flaming arrows.”

Jus In Bello (Justice in War)

- In the modern context there are MANY rules of war. A combatants behavior toward neutral parties, as well as to enemy soldiers, in battle, or as POWs is very regulated. Though not in any way we would recognize from every-day life.
- Fortunately for us there are some central concepts that guide the rules of waging war.

Jus In Bello (Justice in War)

- The Rule of Necessity (related to the Jus Ad Bellum rules of necessity, but importantly different)
 - Considering that the destruction of property and life is inherently bad, “It follows that military forces should cause no more destruction than is strictly necessary to achieve their objectives.”
 - NOT everything necessary is permissible.....
 - But everything permissible must be necessary.

Jus In Bello (Justice in War)

- Rule of Proportionality
 - “The amount of destruction permitted in pursuit of a military objective must be proportionate to the importance of the objective.”
 - So while it may be necessary to use battlefield tactical nukes to bust a bunker in order to take a hill, perhaps the use of such controversial and destructive weapons is not justified given that taking the hill itself is only a small part of a larger plan that can survive without it.

Jus In Bello (Justice in War)

- The Rule of Discrimination
 - This rule embodies the idea of non-combatant immunity. It is illegitimate to attack or destroy non-combatant populations and infrastructure.
 - This is discrimination based on a relevant difference, so it is not arbitrary, (unlike racial discrimination) .
 - For modern purposes we generally list the legitimate targets and anything not listed is considered civilian and an illegitimate target.

Jus In Bello (Justice in War)

- Legitimate targets include:
 - Servicemen and women (not just soldiers)
 - weapons and supplies
 - ships and vehicles that transport the above
 - And the factories and workers that produce them.
- Anything else is considered civilian.

Jus In Bello (Justice in War)

- An ongoing controversy regarding the Discrimination Rule centers on whether this is an objective or a subjective principle.
- The first, or objective version of the rule is violated whenever any civilian casualties result from military action.
- The second, or subjective version holds that the rule is violated only when civilian casualties are **intentionally** inflicted.

Jus In Bello (Justice in War)

- In the first case the rule does not have to account for the mental state of the military actors.
- In the second case it does.
- The central issue is the moral acceptability of “collateral damage.”
 - Bomber of the factory and hospital case.

Jus In Bello (Justice in War)

- This debate reflects a broader, still raging, debate about whether permissibility is contingent on the mental state of the actor in this way.